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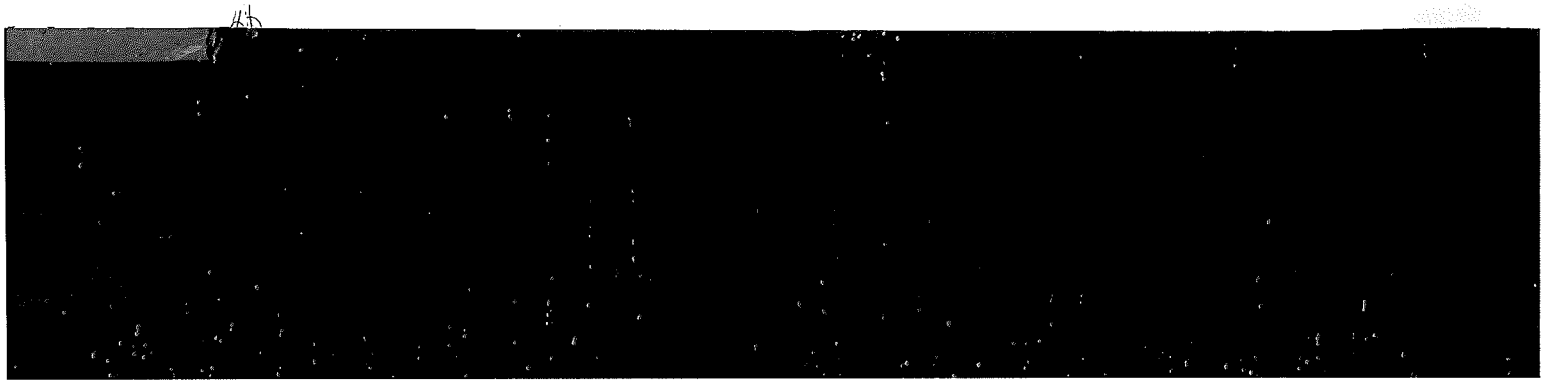

The Last Will of Hector Tambie (Colombo 1772-73)

Jan Hallebeek

I. Introduction

During my first visit to Sri Lanka, in February and March 2000, I had the privilege of meeting Karunasena Dias Paranavitana, the honoured to whom this volume is dedicated. The same visit gave me the opportunity to behold the rich heritage of the Dutch East India Company (*Verenigde Oostindische Compagnie* or VOC), preserved in the National Archives in Colombo. These archives are at the very centre of the scholarly work of Paranavitana, who took the trouble of making himself familiar with the Dutch language, a prerequisite for researching these archives. The Dutch Burghers of Sri Lanka no longer master the language. Hence, it is with great pleasure that I contribute to this Felicitation Volume. The materials for my contribution are derived – inevitably – from the VOC archives and, more specifically, from the records of the Council or High Court of Justice (*Raad van Justitie*).[1] Previous investigations into the files of some of the Council's civil cases showed that despite the fact that the verdicts were largely missing, the files contained precious information, not only as regards litigation and the law applied, but also as regards social circumstances and everyday life on the island.[2]

The case I selected for this contribution, concerns the Last Will of a freed man (*vrijling*) by the name of Hector Tambie. It was heard before the Council of Justice from October 1772 until November 1773. By then, the VOC settlements were going through a relatively peaceful episode after the conclusion of a peace treaty with the Kingdom Kandy in 1766. Public order was disturbed only by a single revolt or threatening revolt within the garrison.[3] The documents related to the trial are preserved in two files.[4] It was Jacob Mulder who requested the Council to declare the Last Will of Hector Tambie (partly) null and void. Johannes Jansz and Francina Lourens opposed this request. Reconstructing on the basis of the case files, I will describe the dispute, as well as the course of the trial. Subsequently, I will investigate the main legal problem, *viz.* the validity of the Last Will. How did the parties' attorneys substantiate their points of view? To which legal sources did they appeal? Finally, it remains to be seen what these proceedings can tell us about the administration of justice in eighteenth century Colombo and what they may reveal.

II. The Case under Dispute

The *pattangatijn* (chief of the caste of pearl divers) Pedro Nonis or Nonies begot a son, Bartholomeus, by the slave woman Regina de Costa. He took financial care of both mother and child. After he died, Regina, who at some stage must have obtained freedom, started to cohabit with Hector Tambie, who at that time still owed *koelieloon* to his mistress (*lijfmeesteresse*), the widow Hoeting. This has to be explained more fully.

The obligation to pay *koelieloon* can refer to the fact that Hector was a slave of the widow Hoeting, but it is also possible that he was manumitted, provided that for some time he would still render services. In that case the relationship towards the widow Hoeting amounted to a kind of patronage.[5] Imposed by the master, *koelieloon* would cover a monthly payment of the earnings of an unskilled labourer. The fact that Hector was under an obligation to pay *koelieloon* was said to be the obstacle for entering into matrimony with Regina. However, the true motivation behind this reasoning seems at first sight unclear. Why would this obligation be an impediment to marriage? In 1696 the Council of Executives (*College van Schepenen*) of Batavia had decided that a marriage between a serf and a free person was allowed under a certain condition. The master had to issue a *licentiebriefken*, declaring to consent in the serf living elsewhere and to demand from him, based on the remaining slavery (*uit kragte van hare nog overblijvende slavernij*), no more services than payment of the *koelieloon* as far it could be raised without prejudice to the slave's household and the care for his children.[6] This decision was adopted in the New Statutes of Batavia of 1766.[7] If the assumption is correct, that these New Statutes acquired force of law also in Ceylon,[8] the obligation to pay *koelieloon* may refer to the fact that the widow Hoeting was unwilling to issue the required *licentiebriefken* and stuck obstinately to her right to other services and payment of full *koelieloon*.

From the relationship of Hector and Regina two children were born, *viz.* Albertina and Pieter, who were baptized under the surname of their father. Bartholomeus passed away at Hector's house, without being married. At her deathbed Hector promised Regina solemnly that the children would lack for nothing. After Regina passed away, Hector retained possession of the undivided estate. Soon he acquired full freedom, started his own business and worked his way up to manager of a tailoring business. Subsequently, he married a Sinhalese woman, Isabella Soysa. They had one daughter, Petronella. Isabella died in 1761 and, again, Hector retained possession of the undivided estate. On April 27 of the year 1769 he made his Last Will, appointing his three children, i.e. Albertina, Pieter and Petronella as his heirs, each for equal shares. The last Will also contained a prelegacy in favour of Petronella, including a house, a slave and some diamonds and jewellery. The total value would be more than 1000 Rds. (*rijksdaalders*, literally 'rix-dollars'). The prelegacy was paid out to Petronella, when she married Jacob Mulder, military sergeant in the service of the OC. Moreover, on that occasion Hector gave her an amount of 300 Rds. in cash. Jacob, representing his wife, maintained during the trial that Hector had obligated himself to this payment and that it was his wish that Petronella would be the only heir to the pre-legacy and the cash money he gave her. This was contested by Albertina Tambie, represented by her husband, the silversmith Johannes Jansz, and by Francina Lourens, the widow of Pieter Tambie.[9] It also appeared that after the death of Hector, the bookkeeper Johan Christoffel Strobach (b. 1743) i.e. the executor of Hector's Last Will, had handed over to Jacob some valuables out of Hector's estate: a golden clasp for a bag, a golden soap dish (*amberbal kas*), a golden necklace with sapphires, a gilded bow (*strik van klinkantse passement*) and a pair of earrings (*orlieten*) each one set with five diamonds. According to Jacob, Hector would during his lifetime have donated these to Petronella, but also this allegation was questioned by Albertina and the widow of Pieter.

III. The Course of the Trial

The two files consist of extracts from the civil case register (civiele rol), probably compiled in order to circulate amongst the members of the Council.[10] The extracts were made and signed by the sworn clerk Dias de Fonseka. The president of the Council was Bartholomeus Jacobus Raket (b. 1725), the secretary Justinus Kriekenbeek (b. 1738). The Council assembled in varying composition, always presided by Raket, except for the recollement of testimonies, i.e. the acknowledgment in court of previous sworn statements, which was performed before two members of the Council as commissioners.[11]

The proceedings started with the submission of a petition by Jacob Mulder, the petitioner (requirant), acting nomine uxoris, i.e. on behalf of his wife Petronella Tambie, daughter of Hector Tambie and Isabella Soysa. Jacob requested the Council to declare the last Will of Hector Tambie null and void as regards the appointment of Albertina Tambie and Pieter Tambie as heirs. They were illegitimate children and it would not be allowed to nominate such children as heirs. The petitioner produced copies of extracts from indigenous baptismal and marriage registers and a copy of the Last Will of Hector Tambie.[12] The Council now ordered that the other heirs, mentioned in the Last Will, or their representatives should be summoned, so that they could take note of the request. Subsequently, it became known that Pieter Tambie had left for Calpetty and had died, while the husband of Albertina, the freeman and silversmith Johannes Jansz did not show up, whereupon the Council ordered to summon the latter for a second time. From here it appears that the petitioner is assisted by P. H. van Cuylenburg as his attorney (procureur). Eventually, Johannes Jansz made his appearance before the Council, willing to oppose the request of Jacob Mulder. He asked for a postponement of two months before answering, in order to find surviving relatives of Pieter Tambie at Jaffanapatnam. The Council granted him six weeks. The result was that the widow of Pieter Tambie, Francina Lourens, now joined Johannes Jansz as second opponent. They were assisted by W. B. van Charlet as their attorney (procureur). In response to the request of the petitioners the opponents presented a defence statement (*diktum van antwoord*), stating that the amount of cash money Hector gave to Petronella and the valuables Jacob received after Hector's death from Strobach should be returned to the estate. Moreover, the opponents claimed to be entitled to their mother's part and the portion owed to their deceased brother Bartholomeus Nonis, which had never been paid out to them. Interestingly, the petitioner did not contradict this claim as to what Albertina and Pieter inherited as intestate heirs from Regina and Bartholomeus. Accordingly, Regina and her son Bartholomeus were no longer slaves at the time Pedro Nonis deceased and we cannot exclude the possibility that Regina benefitted from Pedro's inheritance: profits which Hector could have diverted to his own use after Regina had passed away. After Albertina and Pieter (or his widow) had received their mother's part and the portion owed to their deceased uterine brother, the remaining assets could be divided amongst the heirs.

In his reply to the defence statement (*diktum van replicq*) Cuylenburg maintained that there could not be any mother's part. She could not have inherited anything and thus could not have left anything, since the *pattangatijn* Pedro Nonis, as was generally known in Colombo, had died in great poverty and with many debts. Moreover, Petronella should not be the one giving account of what she received from her father, but Albertina and Pieter. All Hector had spent for the support of Albertina and Pieter was deducted from the

estate Petronella was entitled to. Being an infant and under paternal control she had been in no position to make objections. The petitioner upheld and tried to substantiate his view that a father is not capable of instituting illegitimate children as heirs. I will deal with his reasoning below. In his rejoinder (*diktum van duplicq*) Charlet maintained that Pedro Nonis did leave a considerable estate. Moreover, Hector never spent substantial amounts on the support of Albertina and Pieter. Pieter had to give his father a private debenture, still part of the estate, in order to receive 25 Rds. Furthermore, the petitioner's reply made clear that the assertion, that a father cannot nominate his illegitimate children as heirs was untenable. Nevertheless, Charlet responded to Cuylenburg's arguments. I will discuss these below.

The second part of the trial dealt with evidence. Through witness testimonies parties tried to substantiate their statements concerning certain facts. If the Council of Justice had observed the procedural law of Holland, one would expect that an interlocutory decree (*appointement dispositief*) would have been issued, ordering the parties, or at least the petitioner, to furnish evidence of certain facts, queried by the opponents.[13] However, judicial dispositions are not preserved in the archives and in the documents there is no reference to such a decree. The petitioner's attorney, van Cuylenburg, attempted to prove that what Petronella had received from her father at the occasion of her marriage, i.e. the prelegacy (a house, a slave and some diamonds and jewellery) and the amount of 300 Rds. in cash, were owed to her and that Hector wanted her to be the one and only heir of these assets. Jacob had written evidence to prove this and had even produced these papers after Hector passed away, but afterwards they went missing. Accordingly, he tried to prove their existence, i.e. through the testimonies of Carel Briger, sergeant of the Hunters Corps (*Jagerkoor*), and Johan Wilhelm Uhlenbeek, sergeant of the Grenadiers, who recently had had a look at the documents. Van Cuylenburg requested also their identical statements to be once more confirmed by oath. The Council, however, ruled that the simple *recollement* sufficed. In his turn, the opponents' attorney Charlet produced confirmed and sworn statements (*gerekolleerde en b'eedigde interrogatorien*) of Elisabeth Andriesz., wife of the supervisor of the Company's *materiaalhuis* Gabriel Holland, Johanna Joost, widow of commander Jan Mulder, Geertruijda van Glijn, widow of the military sergeant Christiaan de Bok, and the freedman Bastiaan Rodrigo. Furthermore, he produced confirmed statements of the bookkeepers Johannes de Cauw and Peter Maas. From the documents related to the trial it is not clear what these witnesses would have confirmed. For the years 1762 until 1779, no civil interrogation books were preserved. Perhaps they could have provided information about a substantial inheritance Regina da Costa had received from her father Pedro de Nonis, which always had remained part of the undivided estate or about the exact nature of the payment by Hector of 300 Rds. at the occasion of Petronella's wedding.

IV. The validity of Hector Tambie's Last Will

Perhaps more interesting is the only legal question under dispute, discussed merely in the first part of the trial, *viz.* whether the Last Will of Hector Tambie was valid. A closer look at the request of the petitioner and the documents the attorneys produced will provide deeper insight into the way of legal reasoning.

(i) The petitioner's request

In his request, submitted to the Council, the petitioner, Jacob Mulder, maintained that Hector's Last Will was null and void, because "according to Dutch statutes no illegiti-

mate child may inherit from his father; this was recently ruled in such a way by an edict of the Council of Ceylon, dated 12 May 1772".[14]

However, in Roman-Dutch law there was no rule preventing fathers nominating their illegitimate children as heirs. As Simon van Groenewegen van der Made (1613-1652) explained, according to Roman law, children born from a concubine during marriage, lacked the dignity to be appointed as heir, but that rule was no longer in force. According to contemporary customs a father may nominate any child, born out of wedlock, as his heir.[15] The appropriate, applicable rule, which was not mentioned in the petitioner's request, was that of C. 5.27.2: where a father has both legitimate and illegitimate children, as in the case under dispute, he can appoint the illegitimate children for no more than one twelfth of his estate. This rule of law was adopted in Roman-Dutch law and described as such by some of the 'Old Authorities', whose works with all probability were present in the library of the Council of Justice in Colombo.[16] In his *Rooms-Hollands Regt*, Simon van Leeuwen (1625-1682) had stated that '*overwonne-bastarden*', i.e. children from adulterous parents, cannot inherit, but other '*speel-kindren*', i.e. other illegitimate children, can and these can be appointed as heir. However, where there are also legitimate children, it is also a rule of law in Friesland that the illegitimate can only be made heir for one twelfth, which is entirely in conformity with the Roman rule. In addition, the possibility to be nominated as heir is also restricted in some cities. According to Article 150 of the statute (*keure*) of Leiden and Article 178 of that of Oudewater an illegitimate child can be appointed as heir for no more than a fourth of a child's portion.[17] In his *Commentarius ad Pandectas*, Johannes Voet (1647-1713), stated that the Roman rule of C. 5.27.2 is also observed in contemporary customs. The Court of Holland had decided accordingly in 1654. Moreover, the High Court (*Hoge Raad*) had given the illegitimate son the choice between receiving one twelfth or being supported (*alimenta sibi praestare*).[18] In summary, the statement that according to Dutch statutes a father cannot nominate his illegitimate children as heir was incorrect. Illegitimate children which are not born out of adultery can inherit together with the legitimate children for one twelfth and according to certain municipal statutes up to a quarter of the child's share.

The petitioner referred secondly to the edict of the Council of Ceylon of 12 May, 1772.[19] It is questionable, however, whether this edict can be considered applicable to the case under dispute. It ruled that civil marriages of Christian *chalias* (cinnamon–peelers)[20] needed ecclesiastical confirmation within one year and six weeks. Otherwise the children, born out of these marriages, would not be capable of inheriting. Hector Tambie and Regina de Costa, however, were not married, since that was impossible. Nor were they cinnamon-peelers.[21] Moreover, would this provision apply retrospectively? It was promulgated for the first time in 1768, while Regina de Costa must have already died at least eight years earlier.

(ii) The diktum van antwoord

In his reply, Charlet demanded from the petitioner a further and more specific demonstration of the Dutch statutes, prohibiting a father to appoint his illegitimate children as co-heir. Only after this would it become clear, he argued, that referring to Dutch statutes and to the Council's Edict of 12 May 1772 was entirely out of place.[22] This seems to be a perfectly reasonable response. Since the petitioner invoked legal provisions with a certain purport, it was up to him to elucidate these provisions exactly and in which manner they endorsed his request.[23]

(iii) The diktum van replicq

The opponents' modest and reasonable demand was answered by Cuylenburg with verbal assault, qualifying it as a 'truly major, even punishable undertaking' (*waarlijk eene grote, ja strafwaardigen onderneming*). Although Natural Law was in his favour, he argued, he was nevertheless willing to meet the opponents' request. However, instead of referring to sources of positive law, he appealed to a text from the Bible: Genesis 2.9-14, quoted from the *Statenvertaling* (the Dutch authorized version from 1637). Sarah said to her husband Abraham that Ismael, the son which Abraham had begotten with his concubine Hagar, should not inherit together with their own son Isaak. Subsequently, God ordered Abraham to send Hagar with her son Ismael into the desert, Beersheba. According to Cuylenburg, this answer sufficed to meet the opponents' wish. Now it was the opponents' move to show which arguments could support their view, contrary to the Divine laws.[24]

(iv) The diktum van duplicq

In his rejoinder, Charlet stated that the petitioner's arrogance had surprised the opponents. Since the latter was not capable of referring to specific Dutch statutes, he quoted a text from Genesis, but without understanding its proper figurative significance or at least without taking into account of that which God had spoken to Abraham in Genesis 17.19-21. Subsequently, Charlet referred to the note to this fragment in the *Statenvertaling*, explaining that corporeal assets are promised to Ismael, but the Covenant, which included both material and spiritual blessing, only to Isaac. This was confirmed by Galatians 4.22-24: Sarah and Hagar represent two covenants. Hagar stands for the covenant from Mount Sinai, which bears slaves.[25]

V. Conclusions

It is clear that not all documents, bearing on the case, have been preserved in the archives. The Last Will itself cannot be found; the decisions or rulings of the Council of Justice are missing; just as the civil interrogation-books for 1772 and 1773. Yet the documents which are preserved provide useful information about civil litigation in Colombo in the second half of the eighteenth century and about the social context in which the conflict arose.

(a) Apparently the attorneys, and certainly the petitioner's attorney Cuylenburg, did not succeed in tracing the applicable provisions in either the Corpus iuris civilis or in one of the 'Old Authorities'. In view of the well-furnished library of the Council of Justice in Colombo, it is hard to believe this was caused by the absence of reference works, although it is possible that the attorneys themselves were not as fortunate as the Council or had no access to the Council's library. It is also possible that their education was relatively poor. However, their ignorance of Latin would merely explain why they took no knowledge of the Corpus iuris itself or the Commentarius ad Pandectas of Voet, but not the rest of the available sources. The most elementary and widespread textbook on Roman-Dutch law, the Rooms-Hollands Regt of van Leeuwen, was written in Dutch and could provide all the necessary information.

(b) It is remarkable that the petitioner's attorney, Cuylenburg, apparently by lack of legal provisions to support his claim, had recourse to a biblical text. His opponents'

attorney, Charlet, without much struggle went along with such an approach, albeit by refuting the exegesis presented by his colleague. It is questionable whether the biblical texts adduced have affected the sentence. Cuylenburg referred to the great shred of authority the Bible had in the Netherlands and in all Christian realms. We should not exclude the possibility that the members of the Council, probably all Calvinist merchants, were sensitive to such reasoning. It has been argued for other instances, where the attorneys' documents are preserved and the judicial sentences are ungrounded or missing, that attorneys do not adduce arguments, if they know that the court will not take these arguments seriously.[26]

(c) The files reveal also the life story of Hector Tambie. At the beginning he is a slave, who enters into a relationship with a former slave woman Regina de Costa. Her name may indicate that she originated from the Malabar Coast. At that time Regina was the mother of a son, Bartolomeus. Hector's obligation to pay koelieloon, which may refer to his mistress' reluctance to issue a licentiebriefken, constituted the formal obstacle for entering into matrimony with Regina. Hector and Regina had two children, gave them Dutch names, Albertina and Pieter, and had them baptised. This implies that probably Hector and Regina were Christians and belonged to a protestant congregation.[27] Did baptism give entrance to the mestizo society[28], dominated by the VOC, with all its social and economic advantages? It is not unlikely. Both children got married to individuals with Dutch names. Albertina Tambie married the silversmith Johannes Jansz, Pieter Tambie married Francina Lourens.

After Regina passed away, Hector appeared to have sufficient means not only to redeem his obligations towards his mistress, but also to invest in a tailoring business. Where did the money come from? Was it true, that Pedro Nonis had left Regina a substantial inheritance, which had remained in the undivided estate? And was it this profit which Hector had employed for himself? Subsequently, he entered into matrimony with a Singhalese woman, Isabella Soysa, and outlived this lawful wife. The only child from the marriage had again a Dutch name, Petronella. She married Jacob Mulder, a Dutch military in the service of the VOC. Hector's further climbing of the social ladder is astonishing. Within a relatively short period of time he must have become reasonably wealthy, given the fact that only the prelegacy for Petronella consisted of a house, a slave and some diamonds and jewellery. What had caused this well-being, does not become clear. Was Hector's tailoring business so lucrative? Did Hector have other sources of income, of which we are unaware?

Every case file is a thrilling story. As I said, the files contain precious information, but they also evoke questions. Only a more comprehensive and systematic investigation into the civil cases, dealt with by the Council of Justice, can correct, supplement and nuance our image of civil litigation and social life in Colombo during the second half of the eighteenth century. Such an investigation, however, requires various skills, such as a sound knowledge of Roman-Dutch law, both substantive and procedural, the Dutch language and the socio-cultural historical context. When we envisage such an undertaking, it seems as if Sri Lankan and Dutch scholars are condemned to cooperate. Only time will tell what can be achieved.[29]

Endnotes

1. For the jurisdiction of the Council of Justice see: Nadaraja, T., 1972. *The Legal System of Ceylon in its Historical Setting*. Leiden: E. J. Brill, pp. 5–9.
2. Hallebeek, J. and Sirks, A. J. B., 2010. Uit het archief van de Raad van Justitie te Colombo. Rechtsbedeling in Ceylon in de 18e eeuw. In: R. van den Bergh e.a., eds. 2010, *Libellus ad Thomasium. Essays in Roman Law, Roman-Dutch Law and Legal History in Honour of Philip J Thomas* [Fundamina, editio specialis]. Pretoria: Unisa, pp. 390-412.
3. For further historical context see: Dulm, F. van, 2012. *'Zonder eigen gewinne en glorie'. Mr. Iman Wilhelm Falck, gouverneur en directeur van Ceylon en Onderhorigheden.* Hilversum: Verloren, pp. 188–216.
4. S.L.N.A Volumes no. 4390 and no. 4391. See Jurriaanse, M. W., 1943, *Catalogue of the Archives of the Dutch Central Government of Coastal Ceylon 1640-1796*. Colombo: Ceylon Government Press, p. 329: Jacob Mulder contra Johannes Jansz and the widow of Pieter Tambi, 1772-1773.
5. See for example the mutual Last Will of Jan Hendrik Borwater and Barbera Bregantina Lebeck of 12 October, 1789, S.L.N.A Volume no. 2665, fol. 8r: the baptised slave boy Jan Pieter was manumitted under the condition that he will serve the testatrice until the age of twenty five 'as a free servant'. From then on he may leave her and look for fortune elsewhere. See about this imposing of services also Niemeijer, H. E., 2012. *Batavia. Een koloniale samenleving in de zeventiende eeuw*. Amsterdam: Balans, p. 64.
6. Chijs, J. A. van der., ed. 1885-1900. *Nederlandsch-Indisch Plakkaatboek (1602-1811)*. Batavia: Landsdrukkerij, Volum e III (1678-1709), p. 403; see about this provision: Wamelen, C. van, 2014. *Family life onder de VOC. Een handelscompagnie in huwelijks- en gezinszaken*. Hilver sum: Verloren, pp. 266-268.
7. Chijs (ed. 1885-1900), Volume IX (Nieuwe Statuten van Batavia), pp. 402-403 (Huwelyken, art.6).
8. Hovy, L., 1991. *Ceylonees Plakkaatboek. Plakkaten en andere wetten uitgevaardigd door het Nederlandse bestuur op Ceylon 1638-1796*. Hilversum: Verloren, p. CXVI.
9. It appears that this Pieter had sometime before left for Calpetty and there he had passed away.
10. Hallebeek and Sirks (2010), p. 391 and p. 410 (f. 29r).
11. Members of the Council, present at the various sessions and mostly merchants by profession, were Christoffel Baelke, Willem Adriaan Berghuijs (1733-1792), Daniel de Bok (b. 1743), Jan Hendrik Borwater († 1784, originating from Tiel), Michiel Erentrijk, Johannes Ersson or Ertzon, Harmen Fredrik Heineken or Heyneke (originating from Bremen), Cornelius Dionisius Kraayenhoff (1744-1792, originating from Hoorn), Abraham Mijtens († 1789, originating from Schagen), and Johannes Reintous.
12. I could not find the Last Will in the various files, preserved in the National Archives. It is mentioned in a list of opened Last Wills, see S.L.N.A. Volume no. 2663, fol. 73v. The parties do not disagree about the content of the Last Will.
13. See, for example the *Maniere van procederen in dese Provincien*, Book IV, title 48 ff. of Paul Merula (1558-1607). This work would have been present in the library of the Council of Justice during the eighteenth century. See Kan, J. van, 1935. *Uit de rechtsgeschiedenis der Compagnie* II. Bandoeng: A.C. Nix & Co., pp. 196-203. It was mr. Reynier Stapel, president

of the Council of Justice in Batavia, who in 1740 recommended that the following Dutch books on procedural law should be available in the out-stations (*buitencomptoiren*): the *Tractaat de foro competenti* of Pieter Vromans, the *Papegay* of Willem van Alphen (1608-1691) and the works '*Manier van procederen*' by Paul Merula (1558-1607) and Simon van Leeuwen (1625-1682); see Stapel, F.W., 1933. Bijdragen tot de geschiedenis der rechtspraak bij de Vereenigde Oostindische Compagnie, *Bijdragen tot de taal-, land- en volkenkunde van Nederlandsch-Indiën* 90. pp. 89-139, at pp. 129-131.

14. S.L.N.A Volume no. 4390, fol. 1v: "volgens de Nederlantse wetten geen onegte geboorene van zijn vader iets erven mag, en nog onlangs bij resolutie in rade van Ceilon den 12. May anno 1772 zo bevonde is te behooren".

15. Groenewegen van der Made, S. à, 1649. *Tractatus de legibus abrogatis et inusitatis in Hollandia vicinisque regionibus*. Leiden: Franciscus Moyaerd, pp. 588-589 (ad C. 5.27.2 n. 1-5). According to van Kan this book was present in the library of the Council of Justice.

16. See Kan (1935), pp. 196-203. Van Kan only mentioned the 1780-1783 edition of *HetRoomsch Hollandsche recht*, but it seems unlikely that before 1780 there were no copies of earlier editions.

17. Leeuwen, S. van, 1678. *Het Rooms-Hollands Regt*. Amsterdam: Hendrik en Dirk Boom, pp. 222-223 (Book III, Part 3, no. 10-11).

18. Voet, J., 1734. *Commentarius ad pandectas, Tomus secundus*. The Hague: Antonius van Dole, pp. 284-285 (book 28, title 2, § 13).

19. In the edition of the Ceylon edicts by Hovy it is dated 22 May, 1772. This edict confirms an earlier one of 11 February 1768. See Hovy (1991), pp. 502 and 521.

20. See about cinnamon–peelers: Wagenaar, L. J., 1994. *Galle, VOC-vestiging in Ceylon. Beschrijving van een koloniale samenleving aan de vooravond van de Singalese opstand tegen het Nederlandse gezag, 1760*. Amsterdam: De Bataafsche Leeuw, pp. 164-169; Jacobs, E. M., 2000. *Koopman in Azië. De handel van de Verenigde Oost-Indische Compagnie tijdens de 18de eeuw*. Zutphen: Walburg Pers, pp. 39-51.

21. The *chalias* occupied a humble position within the indigenous system of chastes. They were obliged during some weeks a year to chop and peel trunks of the cinnamon trees.

22. S.L.N.A Volume no. 4390, fol. 10r: "(...) sullende de gerequireerden ondertusschen van den requirant blijven af wagten, naedere of speciaalder aantoning van de nederlandse wetten, die den vader verbieden om der selver onegte kinderen tot medeerfgenamen bestellen, om hem dan te doen zien en begrijpen, dat de nederlandse wetten, en het besluijt genomen in rade van Ceilon van 12. Mai 1772 bij zijn request gansch verkeerd gealligeerd zijn (...)".

23. See, for example, the *Maniere van procederen in dese Provincien* (Book IV, title 59, cap. 1 § 5) of Paul Merula.

24. S.L.N.A Volume no. 4390, fol. 15r: "En dewijl den eijsser de begeert van de gedagden gedaan heeft, so versoekt hij eijsser haar gedaagden als nu om aantetoonen wat tot haar gedaagde sustinue is contrarii de voorzegde Goddelijke wetten".

25. S.L.N.A Volume no. 4390, fol. 21r-21v.

26. Cf. Wijffels, A., 1985. *Qui millies allegatur* [Rechtshistorische studies 11], Part I. Leiden: Brill, pp. 24–28.

27. The Catholics were persecuted by the Dutch. Only in 1774 the VOC admitted priests on their priestly word (instead of an oath) not to do anything detrimental to the VOC. Complete religious freedom for Roman Catholics was only given in 1806 under British rule. See Dep, A.C., 1987. *The oratorian mission in Sri Lanka <1795–1874> being a history of the Catholic Church 1796–1874*. Colombo: Elmo Lord, pp.1-11.

28. See Taylor, J.G., 1983. *The Social World of Batavia. European and Eurasian in Dutch Asia.* Madison: University of Wisconsin Press.

29. I would like to thank Boudewijn Sirks and Remco van Rhee for their advice and Frances M. Gilligan for correcting the English.